

Chapter 17.140 OPEN SPACE

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17.140.010 Authority and title.

This chapter is established pursuant to Chapter 84.34 RCW and shall be known as the "Lewis County Public Benefit Rating System Ordinance." [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 1.01, 1996]

17.140.020 Purpose.

The purposes of this chapter are to:

- (1) Establish an open space current use assessment program based on land characteristics and public benefit;
- (2) Identify, restore, preserve and conserve those sites of historical, cultural, ecological and scientific significance, and other open space land as defined in RCW 84.34.020(1) and (8), as currently enacted or hereafter amended;
- (3) Provide incentives to landowners to conserve current use open space lands for the use and benefit of the public and for production of food and fiber, as provided in Chapter 84.34 RCW;
- (4) Provide assurance to the general public that any land reclassified under this chapter is and will be managed for the benefit of the public;
- (5) Provide a means to evaluate each application to ensure a balance of public benefit in exchange for revenue loss or tax shift that occurs with each open space reclassification. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 1.02, 1996]

17.140.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined by the most recent edition of the American Heritage Dictionary of the office of the Lewis County board of county commissioners.

(1) “Assessor” means the Lewis County assessor or his designated representative.

(2) “Board” means the board of Lewis County commissioners.

(3) “Commercial agricultural production” means the production of saleable quantities of organic materials.

(4) “Committee” means the Lewis County public benefit rating advisory committee. This committee shall be comprised of (1) a representative of the Lewis County assessor, (2) a representative of the Lewis County department of community development, (3) a member of the board of county commissioners, (4) a member of the Lewis County farm advisory board, and (5) a member of the Lewis County planning commission.*

(5) “Department” means the Lewis County department of community development.*

(6) “Open space farm and agricultural conservation land” means either:

(a) Land that was previously classified under RCW 84.34.020(2) (open space farm and agricultural land) that no longer meets the qualifying criteria for that classification; or

(b) Traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agricultural production.

(7) “Open space land” means either:

(a) Any land designated by a comprehensive plan adopted by any city or the county and zoned accordingly; or

(b) Any land area, the preservation and conservation of which in its present state would:

(i) Protect, conserve and enhance natural or scenic resources and scenic vistas;

(ii) Protect streams and stream corridors, aquifers and aquifer recharge areas, or water supplies;

(iii) Promote conservation of soils, wetlands, or beaches;

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(v) Enhance public recreational opportunities;

(vi) Preserve historic sites;

(vii) Preserve visual quality along highway, road or street corridors;

(viii) Retain in a natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the board when granting the open space classification; or

(ix) Protect and conserve soil used for or potentially used for commercial agricultural production.

(8) “Planning commission” means the Lewis County planning commission.

(9) "Rural" means an area with a planned density of not greater than one dwelling per acre outside city limits.

(10) "Urban" means an area with a planned residential density of more than one residence per acre inside city limits. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 2, 1996]

17.140.040 Applicability.

Any person seeking to reclassify land as open space for current use assessment as defined in RCW 84.34.020(1) or (8), and this chapter, as now or hereafter amended, shall comply with the provisions of this chapter. Farm and agricultural conservation land classification(s) for properties not used for **commercial** farming or agricultural use shall be effective for no less than 10 years during which time the land shall be maintained to allow for immediate resumption of commercial farming, ~~after which time the land must either be returned to commercial farm and agricultural use, or a revised conservation plan submitted for approval pursuant to this chapter. Failure to return the land to commercial farm and agricultural use or submit a revised conservation plan shall result in removal of the land from the current use program. The land may, however, be transferred to other open space programs during the ten (10) year period of commitment with the approval of the Board. The land will remain committed to that open space program for the length of the original ten (10) year commitment. Failure to maintain the land for future commercial farming shall result in removal of the land from the current use program.~~ Current use open space classification applies to the land and does not include any structure or land area that comprises the principal place of residence or residential accessory structures of the landowner or employee on a one acre homesite for 20 acres or more pursuant to RCW 84.34.020 (2)(d). [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156A §3, 1997; Ord. 1156 § 3, 1996]

17.140.050 Application forms.

All application forms for open space reclassification shall be obtained ~~from~~ for the assessor, completed in full and submitted to the assessor with applicable fees for processing. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 4.01, 1996]

17.140.060 General open space.

Each application for land reclassification into an open space category defined in LCC 17.140.030(7) shall include the following:

(1) A written statement explaining how the proposed reclassification meets one or more of the criteria for the open space category sought.

(2) A land conservation plan pursuant to WAC 458-30-242(2)(b) showing the measures that will be taken to maintain and protect the current use of the property. The conservation plan shall include:

- (a) The name, address and daytime telephone number of the land owner;
- (b) The land owner's goals and objectives for the property;
- (c) The location of the property;
- (d) The size of the land area to be reclassified;
- (e) A site plan map locating all structures, including but not limited to house, barn, outbuildings, well, fields, fences, etc.; and

(f) An action plan that schedules the actual conservation and management practices that will be used to assure the public that the land will be managed in conformance with this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 4.02, 1996]

17.140.070 Open space farm and agricultural conservation.

Each application for open space farm and agricultural conservation land classification as defined in LCC [17.140.030](#)(6) shall include the following:

(1) A written statement explaining how the proposed reclassification meets one or more of the criteria for the open space category sought, and identifying the number of years previously taxed as farm and agricultural land under Chapter 84.34 RCW;

(2) A conservation plan including all interim measures that will be followed to protect and manage the land in a manner that allows immediate resumption of commercial agricultural use. Each conservation plan shall contain the following information:

(a) The name, address, and daytime telephone number of the land owner;

(b) The location of the land;

(c) The size of the land area to be reclassified;

~~(d) A nontechnical soils description and agricultural capability classification as assigned in the Soil Survey of Lewis County Area, Washington, published by the USDA, Natural Resource Conservation Service (formerly the Soil Conservation Service);~~

~~(e) A copy of the published soils map showing the boundaries of the subject land;~~

~~(d)(f)~~ A list of the applicant's goals and objectives for managing the land;

(g) A schedule of measures that are and will be used to accomplish the goals and objectives; and

~~(e)(h)~~ The steps that will be taken to conserve the agricultural soils to allow immediate return to commercial agricultural production. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 4.03, 1996]

17.140.080 Designation of administrator.

The assessor shall administer the provisions of this chapter. The assessor may prepare any forms and procedures necessary to administer this chapter. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.01, 1996]

17.140.090 Procedure for processing applications.

The assessor shall:

(1) ~~Assign a file number~~ Accept the application and filing fee;

(2) Review the application;

(3) Schedule a meeting of the Lewis County public benefit rating advisory committee to review the application; and

(4) Transmit a copy of the application to the Lewis County department of community development for the following:*

(a) Preparation of a report on the application for furtherance of the objectives of Chapter [17.30](#) LCC, as now or hereafter amended and consistency with the Lewis County comprehensive plan. The report may recommend conditions to assure conformity with any applicable zoning, the comprehensive plan, the neighborhood, and other applicable regulations; and

(b) Scheduling of a public hearing before the Lewis County planning commission. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.02, 1996]

17.140.100 Assessor's report.

The assessor shall prepare a report for planning commission recommendation at the public hearing held pursuant to LCC [17.140.110](#) for each application.

(1) The assessor may consult with the Washington State University Cooperative Extension Service, the Washington State Department of Natural Resources, the USDA, Natural Resource Conservation Service, or Lewis County Conservation District, or any other agency with knowledge or expertise regarding any open space reclassification or other current use application.

(2) The report shall evaluate whether the preservation of the current use of land, when balanced against the revenue loss or tax shift that may result from the application, will protect and conserve open space lands in conformance with this chapter.

(3) The report may recommend conditions to assure conformity with the neighborhood and other applicable regulations. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.03, 1996]

17.140.110 Committee review.

The reports of the assessor and the department for each application shall be submitted to the Lewis County public benefit rating advisory committee for their review. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.04, 1996]

17.140.120 Recommendation of the committee.

Following their review the committee shall:

(1) Determine if the proposed reclassification conforms to the goals and policies of the comprehensive plan and this chapter;

(2) Determine if the proposed reclassification conforms to other applicable statutes;

(3) By majority vote, make a recommendation for approval, approval with conditions, or denial to the Lewis County planning commission; and

(4) Transmit the recommendation to the planning commission, together with all conditions, findings and supporting documentation no later than 14 days following their decision. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.05, 1996]

17.140.130 Planning commission public hearing.

As mandated by RCW 84.34.037(1), applications for classification or reclassification shall be acted upon in the same manner in which an amendment to the Lewis County comprehensive plan is processed. Therefore, following the receipt of the recommendation of the committee, the Lewis County planning commission shall conduct a public hearing for each application pursuant to the requirements of RCW 36.70A.130. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.06, 1996]

17.140.140 Recommendation of the planning commission.

Following the public hearing the planning commission shall:

(1) Determine if the proposed reclassification conforms to the goals and policies of the comprehensive plan and this chapter;

(2) Make a recommendation for approval, approval with conditions, or denial to the board. ~~The planning commission shall limit reclassification of farm and agricultural conservation land to no less than 10 years;~~ and

(3) Transmit the recommendation to the board, together with all conditions, findings and supporting documentation no later than 14 days following the planning commission decision. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.07, 1996]

17.140.150 Board review and action.

Upon receipt of the recommendation of the planning commission the board shall review each application at a regular meeting. The board may do the following:

(1) By motion, approve, approve with conditions, or deny an application as recommended by the planning commission without holding a public hearing; or

(2) If the board does not concur with the recommendation of the planning commission, the board shall hold a public hearing upon due public notice at least 10 days prior to the hearing. Following such public hearing the board shall make a determination to approve the application, approve the application with conditions, or deny the application.

The determination and findings of the board shall be made available to the public for review upon request. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.08, 1996]

17.140.160 Current use assessment contracts.

All applications requiring a current use assessment contract in conformance with Chapter 84.34 RCW shall meet the following requirements.

(1) The clerk of the board shall by certified mail send any current use assessment contract to the landowner.

(2) The landowner shall sign and return the contract within ~~30~~ 10 business days from the date of mailing, or all approvals for current use assessment reclassification shall become null and void.

(3) The assessor shall monitor the contract to determine compliance for the duration of the open space classification in conformance with Chapter 84.34 RCW. [Ord. 1170B, 2000; Ord. 1157, 1998; Ord. 1156 § 5.09, 1996]

17.140.170 Basic criteria.

Applications for open space current use assessment reclassification will be evaluated and determined in accordance with the provisions of Chapter 84.34 RCW and this chapter. To qualify for ~~a reclassification category classification~~, each applicant shall demonstrate that ~~reclassification of~~ the land meets a minimum of three points under one or more of the rating criteria headings shown in ~~Tables 1 and 2~~ the Qualifying Criteria and Scoring Sheet for Open Space Land as developed and maintained by the county Assessor. ~~for each open space conservation and preservation category sought.~~ Applicants are encouraged to apply for more than one open space conservation and preservation category to achieve a higher open space public benefits rating score.